

REMARKS

Applicant respectfully requests reconsideration of the instant application in view of the amendments, herein, and the following remarks:

The following claims are *pending*: 8, 20, 26, 28-30, and 32-37.

The following claims are *independent*: 8 and 20.

The following claims have previously been *cancelled* without prejudice or disclaimer: 1-7, 9-19, 21-25, 27, and 31.

Please *amend* claims 8, 20, 28-29, 34, and 36; although these claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices, Applicant submits that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation/divisional application(s). Applicant submits that these new claims and/or claim amendments are supported throughout the originally filed specification and that no new matter has been added by way of these amendments.

Claim Rejections - 35 U.S.C. § 112

Claims 8, 20, 26, 28-30 and 32-37 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly based on a disclosure which is not enabling. Specifically, the pending rejection alleges that "[A] spatially arrangeable workspace critical or essential

to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 336 (CCPA 1976)." (Office Action, p. 2, ¶ 1). Applicants respectfully traverse the rejections, and submit that detailed description related to the claimed "spatially arrangeable workspace" may be found throughout the claims, as well as the originally filed specification and drawings.

By way of non-limiting example only, Applicants direct the Examiner's attention to at least figures 1-2, and the corresponding description in paragraphs [0035]-[0041] of the specification. For example, paragraph 0035 recites:

Other workspaces may then be opened as desired. Of course, the user may set his or her preferred configurations to open a workspace or workspaces other than the default workspace, such as, for example, a workspace like that seen in the example of FIG. 2. For example, the user may create a specialized workspace for any given day or exchanges, trades and/or information, e.g., a Friday workspace anticipating the release of unemployment reports. A user might also create numerous windows within a workspace or workspaces, such as multiple Order View windows to track especially heavy trading activities, multiple MarketWatch windows; etc. A user might also create more than one workspace to open at the same time, configured in similar or different ways.

(Mahajan et al., Paragraph [0035])

Although Applicants respectfully traverse the Examiner's rejection and reserve the right to argue patentability of the claims in their original form at a later time, Applicants have amended independent claims 8 and 20 to provide clarification and/or to better track business practices. Amended independent claims 8 and 20 recite, *inter alia*, "subview reconfigurable workspace". Applicants submit that detailed description related to the claimed "subview reconfigurable workspace", as recited in independent

claims 8 and 20, may be found throughout the originally filed specification and drawings. By way of non-limiting example only, Applicants direct the Examiner's attention to at least FIG. 2, and the corresponding description in paragraphs [0035]-[0041] of the originally filed specification, which recite, *inter alia*: "[t]he workspace shown in FIG. 1 can be customized by selecting the icons 27 at the top of the interface, so for example, the Order View, MarketWatch, Spread Matrix, and MarketDepth subviews or windows can be selected by the user's choice of the appropriate icons." (FIGs. 1-2; Specification, paragraph [0036], lines 1-5); and "[t]he user can also use a Preferences option ... to customize the workspace to, *inter alia*: ...Alteration of row and text colors of all windows;" (Specification, paragraph [0036], line 5 - paragraph [0041], lines 1-2).

Accordingly, Applicants respectfully submit independent claims 8 and 20 satisfy the requirements of 35 U.S.C. § 112, first paragraph. Further, Applicants submit claims 26, 28-30 and 32-37, depending directly or indirectly from independent claims 8 and 20, also satisfy the requirements of 35 U.S.C. § 112, first paragraph, for at least the reasons discussed above with regard to the pending independent claims. Should the Examiner maintain the rejection, Applicants request the Examiner to provide explanations, with particularity, as to why claims 8 and 20, 26, 28-30 and 32-37 do not satisfy the requirements of 35 U.S.C. § 112, first paragraph, and "suggest amendments to the claims which can be supported by the application's written description," as prescribed by MPEP § 2163 (III)(A).

Accordingly, Applicants submit claims 8, 20, 26, 28-30 and 32-37 all satisfy the requirements of 35 U.S.C. § 112, first paragraph, and are in a condition for allowance.

Applicants therefore request reconsideration and withdrawal of this ground of rejections, and allowance of claims 8, 20, 26, 28-30 and 32-37.

Claims 8, 20, 26, 28-30, 32-37 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the pending rejection alleges:

In the claims, a spatially arrangeable workspace is indefinite in scope as the metes and bounds of the arrangement is unclear. [windows."] For example, the applicant states that Buist discusses the "master trade screen display enables a user to view critical information necessary to make an effective decision concerning the status of the market in a stock." (Buist, col. 15, lines 54-57), but that this is something different from a spatially arrangeable workspace. Since the workspace of Buist can be arranged in any one of many arrangements. What is a spatially [arrangeable] workspace? (Office Action, p. 2, ¶ 2).

Applicants respectfully traverse the rejections, and note MPEP § 2173.02, which prescribes that "[d]efiniteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure ..." (MPEP § 2173.02). Applicants submit that detailed description related to aspects of "spatially arrangeable workspace" may be found throughout the originally filed specification and drawings. By way of non-limiting example only, Applicants direct the Examiner's attention to at least figures 1-2, and the corresponding description in paragraphs [0035]-[0041] of the specification. For example, paragraph 0035 recites:

Other workspaces may then be opened as desired. Of course, the user may set his or her preferred configurations to open a

workspace or workspaces other than the default workspace, such as, for example, a workspace like that seen in the example of FIG. 2. For example, the user may create a specialized workspace for any given day or exchanges, trades and/or information, e.g., a Friday workspace anticipating the release of unemployment reports. A user might also create numerous windows within a workspace or workspaces, such as multiple Order View windows to track especially heavy trading activities, multiple MarketWatch windows; etc. A user might also create more than one workspace to open at the same time, configured in similar or different ways.

(Mahajan et al., Paragraph [0035])

Although Applicants respectfully traverse the Examiner's rejection and reserve the right to argue patentability of the claims in their original form at a later time, Applicants have amended independent claims 8 and 20 to provide clarification and/or to better track business practices. Amended independent claims 8 and 20 recite, *inter alia*, "subview reconfigurable workspace". Applicants submit that detailed description related to the claimed "subview reconfigurable workspace", as recited in independent claims 8 and 20, may be found throughout the originally filed specification and drawings. By way of non-limiting example only, Applicants direct the Examiner's attention to at least figures 1-2, and the corresponding description in paragraphs [0035]-[0041] of the originally filed specification, which recite, *inter alia*: "[t]he workspace shown in FIG. 1 can be customized by selecting the icons 27 at the top of the interface, so for example, the Order View, MarketWatch, Spread Matrix, and MarketDepth subviews or windows can be selected by the user's choice of the appropriate icons." (FIG. 1; Specification, paragraph [0036], lines 1-5); and "[t]he user can also use a Preferences option ... to customize the workspace to, *inter alia*: ...

Alteration of row and text colors of all windows;" (Specification, paragraph [0036], line 5 - paragraph [0041], lines 1-2).

Applicants respectfully submit independent claims 8 and 20 satisfy the requirements of 35 U.S.C. § 112, second paragraph. Further, Applicants submit claims 26, 28-30, and 32-37, depending directly or indirectly from independent claims 8 and 20, also satisfy the requirements of 35 U.S.C. § 112, second paragraph, for at least the reasons discussed above with regard to the pending independent claims. Should the Examiner maintain the rejection, Applicants request the Examiner to provide explanations, with particularity, as to why independent claims 8 and 20, 26, 28-30, and 32-37 do not satisfy the requirements of 35 U.S.C. § 112, second paragraph.

Accordingly, Applicants submit claims 8, 20, 26, 28-30, and 32-37 all satisfy the requirements of 35 U.S.C. § 112, second paragraph, and are in a condition for allowance. Applicants therefore request reconsideration and withdrawal of this ground of rejections, and allowance of claims 8, 20, 26, 28-30 and 32-37

CONCLUSION

Consequently, the reference(s) cited by the office action do not result in the claimed invention, there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed inventions are not admitted to be prior art. Also, Applicant does not accept, acknowledge, and/or concede any Official Notice taken in the Office Action. Thus, the Applicant respectfully submits that the supporting remarks and claimed inventions, claims 8, 20, 26, 28-30, and 32-37, all: overcome all rejections and/or objections as noted in

the office action, are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicant believes that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements and/or bases for rejection were not discussed as they have been rendered moot based on the above amendments and/or remarks, Applicant asserts that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art and reserves the opportunity to more particularly traverse, remark and distinguish over any such remaining claim elements and/or bases for rejection at a later time, should it become necessary. Further, any remarks that were made in response to an Office Action objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to another Office Action objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim elements, and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicant does not concede that any claim elements have been anticipated and/or rendered obvious by any of the cited reference(s) and/or any Official Notice. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

Authorization

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 17209-328. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17209-328.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,
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Dated: December 23, 2009

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